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Planning Design Economics

Barry Waterfront

**Environmental Statement
Chapter B**

Approach to EIA

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1.0 Introduction

1.1 This section of the Environmental Statement sets out the methodology used in undertaking the Environmental Impact Assessment.

1.2 In preparing the ES the Consortium appointed a number of specialist consultants to undertake the necessary technical assessments required in light of the development proposal and the constraints present on site and in the surrounding areas. The full list of chapters and consultants is set out in Table A1 within Chapter A.

1.1 Following the appointment of the above, the following stages of the EIA processes were undertaken:

- Baseline environmental data collection
- Analysis of results
- Design
- Consultation
- Assessment of environmental effects
- Feedback into design process
- Design of any necessary mitigation measures
- Preparation of ES and Non Technical Summary

1.2 Pursuant to the baseline environmental data collection a number of specialist reports were prepared and these are included within the ES (Chapters D to M) and have been to assist in identification of the significant effects in respect of the proposals.

1.3 The specialist reports have been co-ordinated by NLP using a common methodology where possible within the constraints of Institute guidelines. The ES provides an integrated review of the environmental impacts of the proposed development, the proposed mitigation and subsequent residual effects. The residual and cumulative impacts are considered in Chapter N.

2.0 Undertaking the EIA

2.1 This ES has been prepared by the applicants pursuant to the requirements of the 1999 EIA Regulations (as amended) and in response to the scoping process with the Vale of Glamorgan Council which was commenced in November 2007.

Legislative Framework

2.2 The development proposals were considered against the overarching EIA policy framework and legislation at EU and UK levels. The EIA procedures in EC Countries are based upon the European Community Directive “The Assessment of the Effects of Certain Public and Private Projects on the Environment” (85/337/EEC), as amended by Directive 97/11/EC.

2.3 The Directive was implemented in the UK through the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988 (SI No. 1199). This was subsequently superseded by the Town and Country Planning (Environmental Impacts Assessment) (England and Wales) Regulations 1999 (SI No. 293), as amended (referred to as the ‘EIA Regulations’). Additional guidance is provided in Welsh Office Circular 11/99: Environmental Impact Assessment (March 1999), together with other guidance on best practice including that produced by the Institute of Environmental Management and Assessment (IEMA).

2.4 An amended Circular on Environmental Impact Assessment was consulted upon in 2006 but has yet to be formally issued and the Guidance remains as draft.

2.5 This ES has been prepared with regard to the EIA Regulations. Due regard has also been paid to EIA guidelines and current best practice.

Requirement for an EIA

2.6 Within the EIA Regulations there are two Schedules of development. These identify the projects for which an EIA is mandatory (Schedule 1 development) and projects which due to size, scale, location or environmental effects may require an EIA (Schedule 2 development).

2.7 This project is Schedule 2 development which may give rise to significant effects requiring assessment due to its size, scale, location, nature and potential environmental effects. The development falls within Section 10 Part (b) of Schedule 2 as it falls within the category “*urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas*” where the area of development exceeds 0.5 hectares.

- 2.8 Due to the scale of the proposals in relation to the existing character of the site, its surroundings and its location on land that was formerly Barry Docks, it was agreed by the project team that an EIA should be undertaken and an ES be produced to accompany the planning application. No formal screening opinion was sought; however a Scoping exercise was undertaken as set out below.

Scoping of the Environmental Statement

- 2.9 The EIA Regulations afford the applicant the opportunity to obtain an opinion from the relevant LPA on the scope of the EIA for a development. A scoping process was undertaken to ensure that all major potential environmental impacts were addressed. A request for a Scoping Opinion was submitted to the Vale of Glamorgan Council in November 2007.
- 2.10 At the time that the request for a formal scoping opinion was submitted to the Vale of Glamorgan Council the current single development site was split into a number of smaller sites; Arno Quay and East Quay formed two standalone development sites whilst South Quay, West Pond and the District Centre formed a third site. Further details on each character area are provided within Chapter C and can be seen on Figure C3, which provides a plan of Barry Waterfront and the character areas.
- 2.11 Negative EIA Screening Requests were submitted to the Council regarding Arno Quay and East Quay as the proposals for residential apartments (with possible commercial use at ground floor level) fell below identified thresholds for 'developments that are more likely to require EIA'. The areas are not designated as 'sensitive' and the proposals were not considered to create any significant environmental effects.
- 2.12 A request for a formal Scoping Opinion was submitted for the remaining development site (including West Pond, South Quay and the proposed District Centre site) due to the size and scale of the development proposed. Possible environmental impacts identified included Traffic and Transport, Ecology, Water Resources and Flood Risk, Ground Remediation, Noise and Air Quality.
- 2.13 The Vale of Glamorgan provided their formal Scoping Opinion on 8th February 2008. This comprised a covering letter confirming the requirement for EIA with greater detail on the impacts to be assessed within consultation letters attached to the response. Responses were received from relevant departments within the Council and the Environment Agency.
- 2.14 The request for a Scoping Opinion and the Local Planning Authority's response are included as **Appendices B1** and **B2** respectively.
- 2.15 Following this scoping exercise the following topics were identified as having the potential to have significant environmental effects arising from the development proposal that require assessment:

- Transportation
- Landscape and Visual
- Ecology
- Archaeology
- Water Resources, Drainage and Flooding
- Ground Conditions and Contamination
- Noise and Vibration
- Air Quality
- Socio-Economic Impacts
- Arboriculture

2.16 Each of the above issues has been considered against baseline conditions and consistent impact significance criteria. Dedicated ES chapters are provided on each of the above topics within Chapters D to M of this Environmental Statement.

2.17 Whilst the Council considered the requirement to assess major potential impacts on the largest of the three sites only (i.e. the current South Quay (Parkside and Waterside), West Pond and District Centre sites), it is considered that the same environmental issues are relevant to the Barry Waterfront development site as a whole. The planning application site boundary has not changed; it merely incorporates all of the smaller sites to which the original screening and scoping requests referred.

2.18 The Consortium has decided to advance the overall application including Arno and East Quays. As a result, for completeness the ES considers impacts over all the development sites; it is considered that the same issues apply although no re-scoping has been undertaken. Given the negative Screening Opinions received for Arno Quay and East Quay with no potential significant effects identified this is considered to be a robust approach.

Consultation

2.19 The adopted Barry Waterfront Development Principles document was consulted upon with:

- Barry Ward Members and Vale of Glamorgan Cabinet Members for Planning and Transportation and Transportation and Economic Development and Regeneration;
- Prospective developers and their agents; and
- The public.

2.20 During the consultation period a total of 65 consultation responses were received by the Vale of Glamorgan Council with most being satisfied with the development brief and considered that it adequately interprets the waterfront development area and surroundings as well as clearly outlining the key planning and transportation requirements for the site.

- 2.21 Following consultation a number of alterations were made to the Barry Waterfront Development Principles document such as the inclusion of a planning history section, an updated policy section and the alteration of the 'Mix of Uses' section to recognise that local shops and business uses might be appropriate for inclusion in the development, as well as a number of minor text changes to make the document easier to read.
- 2.22 The Barry Waterfront Development Brief and Design and Access Statement including Illustrative Masterplan have not been consulted upon however the principle of the Barry Waterfront proposals including the provision of approximately 2,000 new homes, a link road to Barry Island, retail centre and public open space was the subject of a public consultation exercise in June 2009.
- 2.23 Full details of the June 2009 public consultation are provided in the Public Consultation Statement, prepared by Freshwater, which has been submitted with the outline planning application.
- 2.24 The June 2009 public consultation was publicised to all local residents living in Barry Island and Barry Town. A number of key stakeholders were also invited including:
- Vale of Glamorgan ward members;
 - Cabinet members;
 - Barry Town Council;
 - Local AMs;
 - Welsh Ministers;
 - The local MP;
 - Business groups;
 - Schools;
 - Youth groups;
 - Community groups; and
 - Environmental groups.
- 2.25 A stakeholder preview event was organised for the morning of the opening of the public exhibition. The Consortium also carried out a number of meetings with key stakeholders prior to the public exhibition to ensure that they were informed of the scheme's progress and to fully engage them in the consultation process.
- 2.26 Further to the public exhibition, an advertisement was placed in the Barry Gem the week preceding the public exhibition, a leaflet was placed in the Barry Gem the week of the public exhibition, all local media were briefed on the consultation programme providing an extensive level of local media coverage, posters and flyers were displayed in public buildings, local shops and on lampposts across Barry and a website was set up to provide information on the proposals.

- 2.27 In addition to the above engagement, consultants preparing the individual chapters have been actively engaging with the relevant statutory and specialist consultees where appropriate. A full commentary of this engagement is included in Chapters D – M where applicable and is not repeated here. This includes a description of mitigation measures to overcome or reduce potentially adverse environmental impacts that have been identified and discussed with consultees. Key consultees have included the Environment Agency with respect to the flood and ground assessments (see Chapters H and I) as well as Countryside Commission for Wales and the Vale of Glamorgan in terms of key issues such as ecology, air and noise.
- 2.28 Key issues raised during the public consultation process and the design response is included in Table B1 below. Please note that this list is not exhaustive.

	Issue	Design Response
1	Increase in leisure and community facilities.	The design provides the option to increase the café/ bar/ restaurant outlet area if demand exists within the maximum parameters set out.
2	Inclusion of public art within the development.	Public art has been included as part of the Illustrative Masterplan proposals.
3	Concern over the level of affordable housing.	This issue is subject to further discussion and negotiation with the Vale of Glamorgan Council in the context of scheme viability.
4	Phasing of development and delivery of leisure facilities.	The first phase of development will comprise much of the District Centre, which includes the café/restaurant use and a residential area of c. 200 new homes.
5	Need for better transport links from Barry Town to Barry Island. Concern about vehicular congestion.	A new link road is proposed as part of the development. The link road and junctions have been designed to have sufficient capacity to accommodate forecast traffic levels. Public transport, walking and cycling facilities will also be provided and encouraged throughout the development.
6	Concern over high rise development (over 3-storeys).	The proposals include a number of opportunities to construct taller buildings at key locations in the interest of good design. These are restricted to a few key areas of the site. Specific locations are identified in the Illustrative Masterplan and parameter plans.

Table B1: Design Response to Issues Raised during the June 2009 Public Consultation

3.0 Assessment Methodology

3.1 The EIA process has been integral to the overall design process for the proposed development and has heavily influenced the scheme design and the overall Masterplan for the area.

3.2 The objective of this approach has been to ensure that through good design and in depth consideration of all issues, any adverse environmental effects are either removed completely or their severity significantly reduced. In a similar way, opportunities for environmental improvement or enhancement works can also be maximised.

3.3 The above has been achieved through the involvement of environmental and engineering specialists throughout the EIA process.

Baseline and Parameters

3.4 The development proposal consists of an outline planning application with all matters reserved. The development site has been divided into different character areas to create a sense of place and guide development, a full breakdown of which is provided within Chapter C of this ES.

3.5 A selection of the key planning application drawings are included as appendices to Chapter C and are listed in Table B2 below.

Document/ Drawing Number	Description
SK201 Revision: - Date: 01/07/09	Planning Application Boundary
0833101/Pre/SK/041	Illustrative Masterplan
SK202 Revision: - Date: 29/07/09	Parameter Plan 1: Building Envelope and Proposed Uses
SK203 Revision: - Date: 29/07/09	Parameter Plan 2: Building Heights
SK204 Revision: - Date: 29/07/09	Parameter Plan 3: Movement
SK205 Revision: - Date: 29/07/09	Parameter Plan 4: Public Open Space

Table B2: Key Planning Drawings

3.6 Given that the application is outline in nature, the specific floorspace and dwelling numbers are not fixed at this stage. Parameter plans have been

submitted which establish maximum parameters (i.e. the worst case scenario) and aid the understanding of development proposal.

- 3.7 The planning objective in relation to the outline planning application is to obtain a permission that:
- i Provides the LPA and the Consortium with a reasonable degree of certainty about the likely significant effects arising from the development that will be implemented across the site and how this relates to neighbouring land; and
 - ii Enables sufficient flexibility to enable alterations to be made to the final design and details of the outline elements in due course should this be necessary.
- 3.8 As the application is the subject of EIA, consideration was given to how the outline elements of the scheme could be sufficiently and robustly assessed in accordance with EIA guidelines. The details of the outline elements that have been assessed are set out in Chapter C of this ES.
- 3.9 Parameters Plans are increasingly used in association with larger scale developments where an EIA is required but where some flexibility is also required to enable the detailed design to be progressed but, at the outset, providing a robust basis to test the environmental effects of the development – identifying any that are significant – and meet the requirements of the EIA Regulations.
- 3.10 The parameters that have been tested for the purposes of the outline development proposal and this EIA are shown on the plans listed in Table B2 above. This approach will set a framework within which future reserved matters application(s) can come forward and since the EIA will have tested the fullest extent of the impact of the development as defined by the parameters there is confidence that sufficient information is available of effects arising from the development fixed at this stage to establish the significant effects arising.
- 3.11 In order for this approach to work, Parameters Plans need to provide an appropriate level of certainty about the overall design approach and in particular the layout and disposition of uses on the site and the scale of the proposed development. In relation to this development the plans therefore show the following elements:
- a The building envelope and proposed uses (including the no-build zone to the Dock edge);
 - b Confirm the maximum building heights;
 - c Confirm the key pedestrian/cycle/vehicular movement routes; and
 - d Confirm the distribution of public open space and public realm.
- 3.12 In summary, the approach to EIA represents a worst case scenario based on maximum parameters. This approach provides a robust basis for the EIA and is in accordance with current best practice.

Method of Assessment

- 3.13 Each technical assessment chapter follows the same format and approach for consistency and ease of reference where this is possible within the constraints of Institute and best practice guidelines.
- 3.14 For all chapters the methodology employed of that assessment is clearly set out. All chapters consider receptors and their sensitivity whilst also assessing the magnitude of their particular impacts. These two elements combine to determine the overall significance of the environmental effects and for consistency the following table is used where possible within the ES in order to provide common terminology which can be utilised throughout the assessment (see Table B3 below). The Ecology chapter (ES Chapter F) has used alternative criteria provided within the IEEM guidelines as this is industry best practice for Ecological Impact Assessment and underwent a consultation process with several statutory bodies, including CCW. The Landscape and Visual (Chapter E) and Archaeology (Chapter G) technical assessments have also adapted the Significance of Effects matrix in accordance with their industry guidelines.

		Sensitivity of Receptor/Receiving Environment to Change/Effect			
		High	Medium	Low	Negligible
Magnitude of Change /Effect	High	Major	Moderate to Major	Minor to Moderate	Negligible
	Medium	Moderate to Major	Moderate	Minor	Negligible
	Low	Minor to Moderate	Minor	Negligible to Minor	Negligible
	Negligible	Negligible	Negligible	Negligible	Negligible

Table B3: Example Matrix for Determining the Significance of Effects

- 3.15 The determination of significant effects is set out in each chapter through the text within the impacts section. The residual effects and mitigation measures are then assessed and presented in the Residual and Cumulative Effects section in the format presented in Table B4 below.
- 3.16 Chapters D – M of this ES broadly follow this approach and the tables illustrated here. There are minor variations to this format in some of the technical assessments due to institutional requirements and the individual nature of some of the assessments.

3.17 The ES chapters have fully considered the potential significant environmental effects of the development at all stages.

Environmental Topic	Description of Impact		Description of Mitigation Measures	Description of Residual Impact	
	Description	Significance		Description	Significance
		Substantial / Moderate / Minor/ Neutral / Negligible Beneficial / Adverse Direct / Indirect / Permanent / Temporary Short-Term / Medium-Term / Long-Term			Substantial / Moderate / Minor/ Neutral / Negligible Beneficial / Adverse Direct / Indirect / Permanent / Temporary Short-Term / Medium-Term / Long-Term
<i>Example:</i>					
Air Quality: Construction Impacts	Dust nuisance and vehicle and construction plant exhaust emissions	Moderate Adverse Direct, Temporary Medium-Term Local	Describe measures and controls to be put in place to overcome this impact	No long-term residual effects	Minor Adverse Direct, Temporary Medium-Term Local
Air Quality: Operational Impacts	Vehicle exhaust and operational plant emissions	Negligible	None required	No residual effects	Negligible

Table B4: Example Summary Table of Residual Effects of the Proposal together with Mitigation Measures

4.0 Consideration of Cumulative Effects

4.1 Originally the intention had been that an outline application would be submitted only for the West Pond and South Quay elements of the site. As a result the EIA Scoping process only related to these areas. The inclusion of all elements of the waterfront site, including East Quay and Arno Quay, within the remit of this EIA means that the cumulative effects of all parts of this development are being robustly assessed.

Committed Development

4.2 Through our own local knowledge and discussions with the Vale of Glamorgan Council no other committed developments were identified that could be relevant to assessing cumulative effects.

4.3 An outline planning application was submitted in May 2009 for the development of a Defence Technical College and associated facilities at St Athan, approximately 10km to the west of the Barry Waterfront site. This has not been included in a cumulative assessment as we note that Government advice confirms that it is not appropriate to test cumulative impacts unless schemes are existing or approved (Welsh Office Circular 11/99, Paragraph 46). This is consistent with EC guidelines which also advise that cumulative effects should be tested where these are “reasonably foreseeable”. This approach is also confirmed in the consultation draft of NAFW Circular 12/2006 (Paragraphs 50 and 51, which notes that in general *“it would not be feasible to consider the cumulative effects with other applications that have not yet been determined, since there can be no certainty that they will receive planning permission”*).

The Mole

4.4 The Mole is a ‘finger’ of land that projects into No. 1 Dock from the north-south quay side axis to form a prominent landmark peninsular. This land is not in the ownership of the Consortium and does not form part of the outline planning application to which this ES relates, however its situation in the context of the regeneration of the waterfront provides an opportunity to create a natural focal point for the development as a whole in the future. Due to this the Mole is recognised as a key component within the Barry Waterfront Illustrative Masterplan that forms part of the outline planning application.

4.5 Its relationship to the development and the proposed District Centre in particular is critical in terms of the integrated commercial, leisure and public realm opportunities offered at this juncture. It is also considered as being able to play a key role in the long term aspirations of ABP, the Local Authority, WAG and the Consortium for the creation of a marina and associated facilities.

4.6 As no planning application has been submitted for the development of this site the future development of the Mole has only been considered as part of a cumulative impact analysis within relevant ES chapters. Given the likelihood

that the site will come forward for development in the future consideration has been given to the development of the Mole within the Transportation Assessment to ensure route and junction capacity is sufficient for both developments. The Noise and Vibration chapter and Air Quality chapter of the ES also consider the Mole in terms of cumulative impact(s) in relation to road traffic impacts.